

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$227,463.00 IN UNITED STATES FUNDS
SEIZED FROM CITI BANK ACCOUNT
NUMBER XXXXXXXXX8048 ON BEHALF
OF "AXIA FX LTD.,"

\$235,900.00 IN UNITED STATES FUNDS
SEIZED FROM WELLS FARGO ACCOUNT
NUMBERS XXXXXXXXX0008 AND
XXXXXXXXXX9425 ON BEHALF OF "AXIA
FX LTD.,"

\$168,300.00 IN UNITED STATES FUNDS
SEIZED FROM JP MORGAN CHASE
BANK ACCOUNT NUMBER
XXXXXXXXXX8742 ON BEHALF OF "AXIA
FX LTD.," and

\$123,575.00 IN UNITED STATES FUNDS
SEIZED FROM NORTHERN TRUST BANK
ACCOUNT NUMBER XXXXXXXXX0230
ON BEHALF OF "AXIA FX LTD.,"

Defendants.

Case No. CV16-1748-RAJ

[Proposed]

**DEFAULT JUDGMENT
OF FORFEITURE**

1 THIS MATTER came before the Court on the United States' Motion for Default
2 Judgment of Forfeiture of the above-captioned Defendant Funds. Dkt. # 12.

3 On November 10, 2016, the United States filed a Verified Complaint for
4 Forfeiture *in Rem*, seeking forfeiture of the Defendant Funds. The Complaint alleged that
5 the Defendant Funds are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(A) as
6 property involved in the operation, or attempted operation, of an illegal money
7 transmitting business in violation of 18 U.S.C. § 1960, or as property traceable to such
8 property.

9 On November 10, 2016, the United States filed a Notice of Complaint for
10 Forfeiture *in Rem*, in which all potentially interested parties were advised to file their
11 claims pursuant to Rule G(5) of the Supplemental Rules of the Federal Rules of Civil
12 Procedure. The Notice advised that any interested party—including, as detailed below,
13 Axia FX Ltd. and FX Squared Ltd.—must file a claim with the Clerk of the Court within
14 thirty-five (35) days after the date of service of the Complaint, and to serve their answers
15 to the Complaint within twenty-one (21) days after filing a claim.

16 On November 10, 2016, after reviewing the relevant investigative and
17 administrative material for potential claimants, the United States requested foreign
18 service on Axia FX Ltd. (“Axia”) and WeWork c/o FX Squared Ltd. (“FX Squared”) via
19 the Clerk of the Court pursuant to Federal Rule of Civil Procedure 4(f)(2)(C)(ii) and Rule
20 G(4)(b).

21 On November 18, 2016, foreign service of the Complaint and Notice of Verified
22 Complaint was commenced on Axia and FX Squared via registered mail by the Clerk of
23 the Court. Delivery of such notice to Axia was returned undeliverable to the Clerk of the
24 Court on February 17, 2017. Notice was delivered to FX Squared on November 23,
25 2016. Therefore, under Rules G(4)(b)(ii)(B) and G(5)(a)(ii)(A), the last day for FX
26 Squared to file a claim was December 28, 2016. More than thirty-five (35) days have
27 elapsed since FX Squared was served with the above-referenced Complaint and Notice.
28

1 Neither a claim for the Defendant Funds nor an answer to the Complaint have been filed
2 by Axia or FX Squared and the time for doing so has now expired.

3 Additionally, pursuant to Rule G(4)(a) of the Federal Rules of Civil Procedure,
4 notice of the forfeiture action was published on www.forfeiture.gov for thirty (30)
5 consecutive days beginning on November 18, 2016. All interested persons were advised
6 to file their claims to the Defendant Funds, pursuant to Rule G(5) of the Federal Rules of
7 Civil Procedure, with the Clerk of the Court within sixty (60) days after the first date of
8 publication and to serve their answers to the Complaint within twenty-one (21) days after
9 filing a claim. Therefore, under Rule G(5)(a)(ii)(B), the last day for potentially interested
10 parties to file a claim following the online publication was January 17, 2017. More than
11 sixty (60) days have passed since notice of the forfeiture action was published and no
12 claimants have asserted a claim to the Defendant Funds.

13 On April 11, 2017, the Clerk of the Court entered an Order of Default against the
14 above-listed Defendant Funds pursuant to Federal Rule of Civil Procedure 55(a) and
15 Local Civil Rule 55(a).

16 Now, therefore, on motion of the United States for a Default Judgment of
17 Forfeiture pursuant to Federal Rule of Civil Procedure 55(b)(2), Local Civil Rule 55(b),
18 and Local Admiralty Rule 130(d), it is hereby

19 ORDERED, ADJUDGED, and DECREED as follows:

20 1. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1345
21 and 1355.

22 2. The following Defendant Funds are hereby forfeited to the United States of
23 America pursuant to 18 U.S.C. § 981(a)(1)(A), as property involved in the operation, or
24 attempted operation, of an illegal money transmitting business in violation of 18 U.S.C. §
25 1960, or as property traceable to such property. No right, title, or interest in these
26 Defendant Funds shall exist in any other party:

27 ///

28 ///

- 1 A. \$227,463.00 in United States funds seized from Citi Bank account number
2 XXXXXXXXX8048 on behalf of "Axia FX Ltd.,"
- 3 B. \$235,900.00 in United States funds seized from Wells Fargo account
4 numbers XXXXXXXXX0008 and XXXXXXXXX9425 on behalf of "Axia FX
5 Ltd.,"
- 6 C. \$168,300.00 in United States funds seized from JP Morgan Chase Bank
7 account number XXXXXXXXX8742 on behalf of "Axia FX Ltd.," and
- 8 D. \$123,575.00 in United States funds seized from Northern Trust Bank
9 Account number XXXXXXXXX0230 on behalf of "Axia FX Ltd."

10 The United States Secret Service and/or its designated representatives shall
11 dispose of the above-captioned Defendant Funds in accordance with the law.

12 DATED this 20th day of April, 2017.

13
14 
15

16 The Honorable Richard A. Jones
17 United States District Judge
18
19
20
21
22
23
24
25
26
27
28